



AVTEC-501

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Group Art Unit: 1714
Camarota, et al. :

Serial No.: 09/521,074 : Examiner: J. Anthony

Filed: March 7, 2000 :

For: FLAME RETARDANT AND SMOKE SUPPRESSIVE ADDITIVE POWDER
FOR POLYMERIC THERMOPLASTICS AND THERMOSET RESINS

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT BASED ON EVIDENCE
THAT A REPLY WAS TIMELY MAILED OR FILED
(MPEP 711.03(c)(I)(B))**

MAIL STOP: PETITIONS
Commissioner for Patents
Box 1450
Alexandria, VA 22313-
1450

Date of Deposit: MARCH 3 2005

I hereby certify that this paper or
fee is being deposited with the U.S.
Postal Service as FIRST CLASS MAIL
addressed to: Mail Stop: Non-Fee
Amendment, Commissioner for Patents,
P.O. Box 1450, Alexandria, VA 22313-
1450.

Andrew J. Curtin
Name of Depositor


Signature

Sir:

This Petition is in response to a Notice of Abandonment mailed
on January 3, 2005.

REMARKS

This Petition is to request (i) that above referenced application, which was abandoned on January 3, 2005 due to the failure to timely pay the Issue Fee in response to a Notice of Allowance dated March 4, 2004, and having a response time up to and including June 4, 2004, be revived; (ii) that the petition fee set forth under **MPEP 711.03(c)II** submitted herewith be accepted, (iii) that the copy of the Fee Transmittal, copy of the cancelled check for \$665.00 (front and back), and copy of the U.S. Postal Service certified return receipt, be accepted as evidence that the Issue Fee was timely paid.

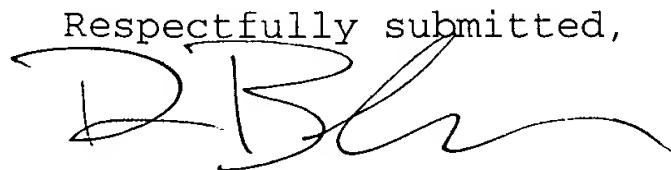
- 1.) A Notice of Allowance and Issue Fee Due for the present application was mailed by the U.S.P.T.O. (the "Office") on March 4, 2004.
- 2.) The Issue Fee Transmittal was mailed by the Applicants in response to the Notice of Allowance and received by the Office on May 18, 2004, as evidenced by the USPTO Mail Center stamp dated May 18, 2004 on the enclosed copy of the Certified Mail return receipt. The Response included a check in the amount of \$665.00 (Six Hundred Sixty Five and 00/100 Dollars).
- 3.) The check in the amount of \$665.00 was deposited by the PATENT AND TRADEMARK OFFICE on May 19, 2004, for credit to the U.S. Treasury, as evidenced by the copy of the back of the check, enclosed.
- 4.) A Notice of Abandonment was mailed by the Office on January 3, 2005.
- 4.) Copies of the Notice of Abandonment, Issue Fee Transmittal, canceled check in the amount of \$665.00

(front and back) and Certified Mail return receipt stamped by the Office on May 18, 2004, are submitted herewith.

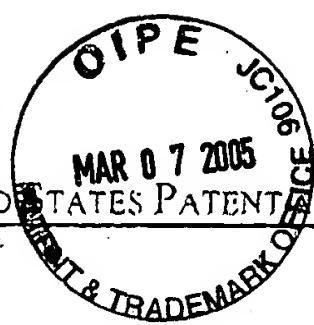
- 5.) A check in the amount of \$130.00 for the Petition Fee is included herewith.
- 6.) Because the application was filed after June 8, 1995, no terminal disclaimer or disclaimer fee is required.

In view of the foregoing, it is respectfully submitted that the response was timely filed. Accordingly, it is respectfully requested that (i) the holding of abandonment be withdrawn, and (ii) the active status of the above referenced application be acknowledged.

It is respectfully requested that the undersigned be contacted in order to expedite resolution of any remaining issues, if any further comments, questions or suggestions arise in connection with the application.

Respectfully submitted,

Dirk Brinkman
Registration No. 35,460
Attorney for the Assignee

Address all communications to:
John B. Herring
AVTEC Industries, Inc.
9 Kane Industrial Drive
Hudson, MA 01749
978) 562-2300



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
69/521,074	03/07/2001	Anthony S. Camarota		0150

7598
Mr Anthony Camarota
Avtec Industries
15 Brooks Street
Hudson, MA 01749

01/03/2001

Anthony S. Camarota

ATTORNEY DOCKET NO.

CONFIRMATION NO.

0150

EXAMINER

ANTHONY JOSEPH DAVID

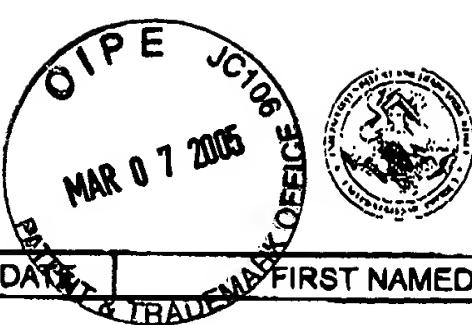
ART UNIT

PAPER NUMBER

1714

DATE MAILED: 01/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
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09521074

EXAMINER

ART UNIT

PAPER NUMBER

DATE MAILED:

NOTICE OF ABANDONMENT

This application is abandoned in view of:

Applicant's failure to timely file a proper reply to the Office letter mailed on _____.

A reply (with Certificate of Mailing or Transmission of _____) was received on _____ which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.

A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).

A reply was received on _____, but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in the last box below).

No reply has been received.

Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).

The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85) (or Notice of Publication Fee Due).

The submitted fee of \$ _____ is insufficient. A balance of \$ _____ is due.
The issue fee by 37 CFR 1.18 is \$ _____. The publication fee, if required, by 37 CFR 1.18(d) is \$ _____.

The issue fee and publication fee, if applicable, have not been received.

Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTOL-37).

Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.

No corrected drawings have been received.

The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all the applicants.

The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon filing of a continuing application.

The decision by the Board of Patent Appeals and Interferences rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.

The reason(s) below: _____
Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail**
O I P E J C 1
MAR 07 2005
OFFICE
DATE

COPY

Mail Stop ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
(703) 746-4000

or Fax

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 4 should be completed where appropriate. All further correspondence including the patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Legibly mark up with any corrections or use Block 1)

7590 03/04/2004

Mr Anthony Camarota M R JOHN BARRY HERRING
 Avtec Industries
 15 Broad Street 9 KANE INDUSTRIAL DRIVE
 Hudson, MA 01749

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission
 I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO, on the date indicated below.

(Depositor's name)

(Signature)

(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/521,074	03/07/2000	Anthony S. Camarota		9150

TITLE OF INVENTION: FLAME RETARDANT AND SMOKE SUPPRESSIVE ADDITIVE POWDER FOR POLYMERIC THERMOPLASTICS AND THERMOSET RESINS

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$665	\$0	\$665	06/04/2004
EXAMINER		ART UNIT	CLASS-SUBCLASS		
ANTHONY, JOSEPH DAVID		1714	252-606000		

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

"Fee Address" indication (or "Fee Address" indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1. ANDREW J. CURTIN, ESQ.
 2. DIRK BRINKMAN, ESQ.
 3. _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. Inclusion of assignee data is only appropriate when an assignment has been previously submitted to the USPTO or is being submitted under separate cover. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

AVTEC INDUSTRIES, INC. HUDSON, MA

Please check the appropriate assignee category or categories (will not be printed on the patent): individual corporation or other private group entity government

4a. The following fee(s) are enclosed:

Issue Fee
 Publication Fee
 Advance Order - # of Copies _____

4b. Payment of Fee(s):

A check in the amount of the fee(s) is enclosed.
 Payment by credit card. Form PTO-2038 is attached.
 The Director is hereby authorized to charge the required fee(s), or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

Director for Patents is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above.

(Authorized Signature)	(Date)
<i>John Barry Neary</i>	May 14, 2004

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant, a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Alexandria, Virginia 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMIT THIS FORM WITH FEE(S)



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9 KANE INDUSTRIAL DRIVE
HUDSON, MA 01749

COMMUNITY NATIONAL BANK
53-451-118

5/14/2004

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Allen Niering

MEMO TSWB Patent Issue Fee

1002840# 0113045170 027821 11# 00000665

ZENS 1000/03/131/001
RSIDE RJ 05242004
1500120
1003045170 05242004
05242004
0110-0005-5
ENT=3901 TRC=1916 PK=33

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PHILA, PA 05242004 214
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10.00
8.617
6.175

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13-10-0001
05-19-2004
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1. Article Addressed to:

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COMPLETE THIS SECTION ON DELIVERY

A. Signature

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Agent
 Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from Item 1? Yes
If YES, enter delivery address below: No

2. Service Type

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 Insured Mail C.O.D.

3. Restricted Delivery? (Extra Fee) Yes